

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID PONCE,

Plaintiff,

v.

HANFORD POLICE DEPARTMENT K-9  
UNIT,

Defendant.

No. 1:21-cv-01045-DAD-BAM

ORDER SETTING DEADLINE TO FILE  
AMENDED COMPLAINT

(Doc. 12)

THIRTY-DAY DEADLINE

Plaintiff David Ponce is a county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983.

On October 18, 2021, the undersigned magistrate judge issued findings and recommendations recommending this action proceed on plaintiff's second amended complaint, filed on September 7, 2021, against Officer Brian Scandura of the Hanford Police Department for excessive force in violation of the Fourth Amendment. (Doc. 10.) Plaintiff filed objections to the findings and recommendations on November 5, 2021. (Doc. 11.)

On November 22, 2021, the district court partially adopted the findings and recommendations, directing that the action proceed on plaintiff's second amended complaint against Officer Brian Scandura of the Hanford Police Department for excessive force in violation

1 of the Fourth Amendment and granting plaintiff leave to amend his claim pursuant to 42 U.S.C. §  
2 1983 against the Hanford Police Department related to the identification allegations. (Doc. 12 at  
3 2-3.)

4 Accordingly, within thirty (30) days from the date of service of this order, Plaintiff is  
5 directed to file an amended complaint limited to his claim against Officer Brian Scandura of the  
6 Hanford Police for excessive force in violation of the Fourth Amendment and his claim pursuant  
7 to 42 U.S.C. § 1983 against the Hanford Police Department related to the identification  
8 allegations. All other claims have been dismissed from this action. (Doc. 12 at 3.)

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10 IT IS SO ORDERED.

11 Dated: December 1, 2021

12 /s/ Barbara A. McAuliffe  
13 UNITED STATES MAGISTRATE JUDGE  
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